

REMARKS

Claim 10 has been amended to reflect that the combination of abacavir and alovudine is synergistic. Support for the amendment can be found in claim 1.

Claim 12 has been amended to correct its dependency.

No new matter has been added.

Restriction Requirement

The Examiner contends that the instant application contains more than one invention. The Examiner defines the inventions as follows:

I Claims 1-9, drawn to a pharmaceutical preparation comprising a synergistic combination of abacavir and alovudine and a pharmaceutical carrier.

II Claims 10-12 drawn to a method for the treatment of multiresistant HIV in a patient comprising administering to said patient an effective amount of the combination of abacavir and alovudine of Group I.

The Examiner contends that the inventions do not relate to a single general inventive concept under PCT rule 13.1-13.3. Applicant respectfully traverses.

As the Examiner states, the unity of invention rule of the PCT states that the application shall relate to inventions linked as to form a "single general concept." But the Examiner applies

the incorrect analysis of the special technical feature that links these claims. That is, the PCT finds unity of invention by identifying "the heart of the invention," i.e. the special technical feature that unifies all claims. Here, the special technical feature is a synergistic combination of abacavir and alovudine, which is defined in claims 1-9 and used in claims 10-12. Accordingly, Applicant respectfully requests reconsideration and rejoicing of the claims.

To be fully compliant with 37 CFR § 1.143, however, **Applicant elects to pursue Group I** should the Examiner refuse to rejoin the claims.

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,
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